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## **State forest administration, donor support, and forest realities in Khyber Pakhtunkhwa Province of Pakistan**

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**Abstract:** The management of forests involves, very basically, three main issues: (i) how the forest resources under consideration should be used, for what purpose, and by whom; (ii) to decide on a specific procedure on how the use of forests in the agreed manner should be organised; and finally (iii) the practicing or implementation of the decisions taken. In all these three basic dimensions of forestry, various groups of people want their ideas to be considered. Generally, one distinguishes between the state and its line departments, the local people or communities (or citizens), the civil society, and (specifically so in southern contexts) the development donors. The dominant global discourse argues that the state is the custodian of forests in the name of the people and the nation as a whole. Therefore, state Forest Departments are mandated to oversee and implement forest policy, enabled to do so through policies, laws, rules, management tools, enforcement powers, finances and staff. This is a very general overview, but it holds true for most countries on our globe – and it holds true as well for Pakistan and its Khyber Pakhtunkhwa (KP) Province. The present article describes and discusses this official system of forest governance, its evolution over time, and the enormous challenges it faces at present.

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### **3 State Forest Administration, Donor Support, and Forest Realities in Khyber Pakhtunkwa Province of Pakistan**

**Urs Geiser**

The management of forests involves, very basically, three main issues: (i) how the forest resources under consideration should be used, for what purpose, and by whom; (ii) to decide on a specific procedure on how the use of forests in the agreed manner should be organised; and finally (iii) the practicing or implementation of the decisions taken. In all these three basic dimensions of forestry, various groups of people want their ideas to be considered. Generally, one distinguishes between the state and its line departments, the local people or communities (or citizens), the civil society, and (specifically so in southern contexts) the development donors. The dominant global discourse argues that the state is the custodian of forests in the name of the people and the nation as a whole. Therefore, state Forest Departments are mandated to oversee and implement forest policy, enabled to do so through policies, laws, rules, management tools, enforcement powers, finances and staff. This is a very general overview, but it holds true for most countries on our globe – and it holds true as well for Pakistan and its Khyber Pakhtunkwa (KP) Province. The present article describes and discusses this official system of forest governance, its evolution over time, and the enormous challenges it faces at present.

#### **3.1 Introduction**

The Forest Department of the present Khyber Pakhtunkwa province has been created during colonial times, and the brief glance at this colonial antecedent given in section 3.2 helps to illuminate some of the contemporary challenges faced by this department. As a matter of fact, a glance at the provincial Forest Department around 1980 shows how these colonial antecedents continued to inform forest policy and practice (section 3.3). However, despite the existence of laws and structures, forest resources continued to be under severe stress either through outright forest area loss or the degradation of forest stands. Increasingly, the Forest Department's role to manage forest resources in the name of the people was questioned. More direct involvement of local people was proposed mainly by international donors, and 'local communities' became a key stakeholder group.<sup>1</sup> As a consequence, the new paradigm of *Community-based Natural Resource Management* (CBNRM) arrived in Pakistan as well, and was tested by various projects (section 3.4).

Most of these experiments were wound up in the late 1990s, either because they did not achieve the expected results, or because donor support ended. Also, the concept of CBNRM

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<sup>1</sup> The notion of stakeholders emerged in development language in the 1980s.

did not spread beyond project levels. In addition, severe floods in 1992 triggered widespread criticism of forest administration (section 3.5). As a consequence, donors suggested that people's involvement should become more institutionalised at provincial level.<sup>2</sup> This called for a complete reform of the structure of forest governance. Section 3.6 shows how these reforms were addressed in KP. The last decades have thus seen several waves of new ideas and propositions to improve the management and use of forests in KP, all of them attempting to save forests from extinction. Our final section 3.7, though, has the difficult task to weigh these well-intended initiatives with the hard facts of continued (some even claim: accelerated) vanishing of forests in the Province.

Insights and data used in this chapter are based on a number of sources, including archival work in the Provincial Archives of KP (e.g. Geiser, 2005), the analysis of field-level realities (e.g. Shahbaz, 2009), and participation in project-related studies (e.g. Suleri, 2002; Geiser, 2000) etc.

### **3.2 Colonial antecedents**

As we will show further below, many observers refer to the colonial roots of the provincial forest administration to explain contemporary challenges. This section explores these colonial roots, starting with the year 1849. In this year, the British colonial powers annexed the Punjab including the plains of Peshawar and the hilly regions of Hazara east of river Indus. In 1864 both, the posts of Inspector General of Forests of India (the first being the German forester D. Brandis) and the Conservator of Forests of Punjab were created, who gained support through the first, though still vague, Indian Forest Act of 1865. Under this act, some forests only were put under state control in the plains of Punjab. However, for Hazara, a separate Forest Regulation was enacted in 1873 (based on drafts dating back to 1855/57). This regulation stipulated that the government “assumed itself the right to conserve all trees and forest lands” (Hazara Forest Regulation 1873, in Brandis, 1875), on the one hand to protect forests from overexploitation by local people, and on the other hand to secure the state's timber requirements. The demarcation of ‘reserved forests’ was the key tool to operationalise state control. Tracts of valuable forest stands were to be marked by Settlement Officers. Within these forests, almost all use rights were reserved for the state. The other forest areas were declared as ‘unreserved forests’ though under the control of the state as well. Here, *zemindars* (“persons who have a prescriptive right to the user of forest land”, Hazara Forest Regulation 1873, in Brandis, 1875) were entitled to uses which were further detailed in the regulation. Two key reasons were mentioned for maintaining state control over all forest lands: to ensure that forests would be available for reservation in future as well, and to have, in future, the option to demarcate village forests for the ‘agricultural population’ (Brandis, 1875: 2). In this regard it is interesting to recall the justification given at that time for state control over forests, given in a dispatch by the Governor-General in Council to the Secretary of State in London dated November 1, 1862:

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<sup>2</sup> [...] “enhancing the influence of ordinary people over development policy and its implementation” (Manor, 2000).

(...) in the first place we may express our belief, that under no conceivable circumstances it is possible that personal interests can be made compatible with public interests in the working of forests, otherwise than under a system of such stringent supervision as would, in fact, *reduce those working under it to the position of mere agents of the administration*. The length of time required for maturing a growth of timber is so great that no individual can have a personal interest in doing more than realising the largest possible present amount from any forest tract of which he may get possession. In fact, timber is produced of which no man can expect to get more than one crop in his lifetime, and the sooner and more completely he realises it the better.

The moral or social restraints that are likely to operate to prevent such a course are most especially wanting in India, whether we deal with natives of the country or European settlers. Therefore, we think that the idea of giving a proprietary right in forest to any individual should be abandoned, as the possession of such a right is almost certain to lead to the destruction of the forest; *personal interests, in short, under existing conditions and in this respect, are not only incompatible with public interests, but they are absolutely antagonistic*. [...] We consider also that all Government forests should be strictly set apart, and made unalienable; of course, where private rights already exist, [...], they must be respected, though it might be good policy to extinguish such rights on equitable terms, whenever it be found possible to do so (quoted in Stebbing 1926: I/526f, emphasis ours).

It is also interesting to note that the introduction of categories such as reserved or protected forests are of European origin: “In fact, it is not improbable that, as the development of the country progresses, there will be in India the same great classes of forest property which are found on the Continent of Europe”, referring to state forests, forests of villages and other communities and public corporations, and forests of private proprietors (Brandis, 1875: 2).

The Hazara regulations and procedures inspired the formulation of a new Indian Forest Act in 1878. With very few changes only, the 1878 Act became the famous Indian Forest Act of 1927 (being the same as the Pakistan Forest Act of 1927). These acts also carry the mechanism of reserved and unreserved forests including the respective restrictions of use. Unreserved or un-demarcated forests were now called ‘protected forests’. One crucial aspect of these acts needs specific mentioning. The government can declare forests as reserved, but has to follow a specific procedure to do so. Para (4)(c) states that an officer has to be appointed “to inquire into and determine the existence, nature and extent of any rights alleged to exist in favor of any person in or over any land comprised within such limits, or in or over any forest-produce (...)” (Forest Act 1927). This officer “shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer” (para (4)(c)(2)). Para 6 further specifies that when “a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighborhood of the land comprised therein, a proclamation on the area concerned, on the consequences of the reservation”, and “fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.” The officer then has to inquire into these claims. In case rights are admitted, para 15 specifies the further details:

**15. Exercise of rights admitted.** (1) After making such record the Forest Settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement-officer may

- (a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or
- (b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or
- (c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the provincial government.

In case claimants are not satisfied, they have the right to appeal. The same procedures apply in case of protected forests, or in case trees are declared as reserved in a protected forest (para 29 and following). The implementation of such detailed policies called for adequate staffing and organisational structures. Informative in this regard is again the dispatch of 1862 mentioned further above:

Organisation to be of real and permanent value must not be essentially, or even mainly, dependent on extraordinary personal acquirements or activity; *the machinery should be such as will work with average men under the direction of the best of their class*. And this is peculiarly the case as regards the administration of forests. Results will be so long in coming, and ruin is so easily and so immediately brought about by the neglect of first principles by a single individual, that as little as possible should be left open to the local executive authorities in this respect. (quoted in Stebbing 1926: I/530; emphasis ours)

Along these lines, the forest administration was strengthened, and to achieve the *esprit de corps* within the forest bureaucracy, a dense net of internal rules and regulations was developed.

In 1901, the North-West Frontier Province (NWFP) came into existence. Forest services within the new province were consolidated and a Conservator of Forests appointed. For some time, he remained under the Chief Conservator of Forests of the Punjab Province. In September 1935, the provincial forest cadre was placed under NWFP administration, completing the separation of the NWFP from the Punjab. However, it is important to remember that the regions beyond the Peshawar plain and west of river Indus were not part of NWFP and thus beyond colonial control (but not colonial desires; for details see chapter 7).

### 3.3 State forest administration around 1980

In 1947, Pakistan gained independence. However, the now NWFP Forest Department continued to operate as before.<sup>3</sup> As a matter of fact, the above description of colonial legislation and procedures holds valid up to roughly 2000. Organisational structure and procedures, legal coverage, and practical operations all remained. For illustration, we look at

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<sup>3</sup> “Browsing through the Annual Reports of the NWFP Forest Department in the Provincial Archives of Peshawar, and reading through the successive reports for the 1940s and early 1950s, one does not realise that Pakistan has changed from a Colony of the British Empire to an independent modern nation state. The reports continue to be structured following the same proforma, and the statements on the ecological importance of forests, or the problems faced in the field, are the very same prior and after ‘independence’. The bureaucracy remains; what changes, is the name of the entity providing legitimacy: The justification for the forest bureaucracy to be caretaker of the forest resources in the name of the public – or in the name of the people – is the very same during colonial and post-colonial times.” (Geiser, 2005: 108)

the department's working around 1980. The Pakistan Forest Act of 1927 continued to provide the legal framework. The department continued to be headed by the Chief Conservator of Forests (CCF). The different units were arranged in a strict line organization form. The Territorial and Conservation Region included the Hazara Forest Circle (covering government owned reserved and protected forests and privately owned forests in the Hazara Division), the Malakand Forest Circle (covering government owned protected forests in Malakand civil Division) and the Southern Forest Circle (each under a Conservator of Forests). These circles were further divided into Divisions (headed by the Divisional Forest Officer, DFO), Ranges (headed by the Range Officer), Blocks (under Foresters) and finally Compartments (under Forest Guards).

Protecting forests from misuse by local populations and the supply of timber remained key purposes of forest management, which followed mainstream procedures established globally by forestry science and implemented under colonial rule. *Working Plans* were written along standard proformas "to improve the stocking level of each forest to normal forests and the forests were managed for single use timber" (Khattak A.K., 2001: 6). Working Plans serve to plan timber harvesting spatially and temporally, and trees are marked for harvesting according to Working Plan prescriptions. Actual operations done were to be recorded in the Compartment History Files.

It is important to note that the Forest Department was in charge of forest management including inventories, marking of trees for felling, re-forestation etc. Actual harvesting was the mandate of the NWFP *Forest Development Corporation* (FDC). FDC was established in 1976/77, in response to the earlier system whereby the Forest Department directly sold standing trees to contractors. "This practice of timber harvesting led to wide spread illicit damage in forests and Government of Pakistan therefore stopped it from 1973" (Khattak G.M., 1987: 20). It is understood that initially, harvesting was to be done directly through FDC. However, again a contractor system was introduced. FDC advertised the lots to be harvested (and where trees were marked by the FD), and private timber contractors submitted their tenders. Generally, the cheapest bidder is considered (Khattak G.M., 1987). FDC generated important returns for provincial treasure.

Forestry is a provincial subject in Pakistan, and thus the focus so far on the province. At federal level, Pakistan Government's *Inspector General of Forests (IGF)* headed the Forestry Wing of the Ministry of Environment until 2010.<sup>4</sup> He is "responsible for coordination and monitoring of forestry sector developments in the country", and "deals with the formulation of forest policy, planning, international coordination, education, training and research" (Govt. of Pakistan, 2005: 29). A *Federal Forestry Board* of eminent people is advising the Inspector General of Forests.<sup>5</sup> The *Pakistan Forest Institute (PFI)* located in Peshawar is mandated to

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<sup>4</sup> The Ministry of Environment came into existence in April 2002 as a result of the bifurcation of the former Ministry of Environment, Local Government and Rural Development (Govt. of Pakistan, 2005).

<sup>5</sup> We understand that the 'National Forest Policy 2002' available through the Ministry of Environment's homepage is still the draft of 2001; see [www.pakistan.gov.pk/ministries/environment.../forestpolicy2002.pdf](http://www.pakistan.gov.pk/ministries/environment.../forestpolicy2002.pdf) (accessed June 2009). A more recent activity of the IGF is the

undertake forest research and education at masters and bachelors level. PFI is headed by a Director General who reports to the Inspector General of Forests.

### 3.4 International development donors

In the late 1970s, FAO identified a number of potential forestry sector projects. Though having a provincial Forest Department in place, the forest situation on the ground deteriorated due to increased deforestation. It is, however, unclear whether this interest of FAO emerged from demand (e.g. requests by the NWFP Forest Department) or supply (e.g. the globally growing development funding). What we know is that proposals were sent to the German GTZ and the Swiss Development Cooperation (SDC). The intention of these proposals was to support the Forest Department in improving its forest management practices and capacities – indicating that there was indeed a gap between the *de jure* situation of forestry, and its *de facto* reality on the ground.

While GTZ embarked on an intensive forest management project in Kaghan and the support of the Pakistan Forest Institute (PFI) in Peshawar, the Swiss showed interest for an area-based rural development project focusing on forests in Kalam (Geiser, 2000: 9). Later, other donors followed with a whole array of endeavours (Table 1). In the following, three examples of such donor-supported projects are briefly described.

**Table 1:** Some donor supported projects in the KP with relations to forests (Source: own compilation)

Name of project	Abbrev.	Main donors	Duration
Kalam Integrated Development Project	KIDP	Swiss	1981 - 1998
Range Management Project	RMP	Dutch	1989 - 1992
Dir-Swat Watershed Management Project	WMP	Dutch	1980 - 1992
Malakand Social Forestry Project	MSFP	Dutch	1987 - 1992
Social Forestry Project Malakand-Dir	SFP	Dutch	1992 - 1999
Siran Forest Development Project	SFDP	German	1992 - 1997
Siran-Kaghan Forest Devel. Project	SKFDP	German	1997 - 2000
Palas Conservation and Dev. Project		EU	ca. 1998-2004
Dir-Kohistan Envir. Rehabilitation Project	ERNP	EU, IUCN	1997-2003
Forest Sector Project	FSP	ADB, Dutch, Swiss	1996 - 2003/4
Forest Management Centre Support	FMC	Swiss	1994 - 2003
Institutional Transformation Cell	ITC	Dutch, Swiss	1998 - 2003
Forest Sector Master Plan	FSMP	ADB, UNDP	1989 - 1992
Community Based Natural Resource Man.	CBRM	Swiss	2003 - 2006
Integrated Natural Resource Manag.Project	INRMP	Swiss	2006 - 2008

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formulation of a new Forest Policy, of which a draft was circulated (Govt. of Pakistan, 2001) but has not yet been promulgated.

**Kalam Integrated Development Project (KIDP):** The Swiss-supported KIDP started in 1981 and ended in 1998, having worked in both, Kalam and Behrain Tehsils in northern Swat district. Realising shortcomings in the existing Working Plan procedures, KIDP tried to foster more participation of local people in the formulation of these plans (Geiser, 2000). The first Working Plan under KIDP was made for Utror-Desan (Stucki and Khan, 1985), and it suggests 'Forestry Extension' as a means to bridge the gap between state officials and local communities. However, this plan "did not provide any mechanism for meaningful involvement of the communities and the mere prescription of the plan that the FD field staff will do extension services and use social forestry approach in management of forests was not followed due to obvious reasons." The plan thus remained "wishful thinking" (Khattak A.K., 2001: 8).

Much progress was made with the Behrain Working Plan (Khan, 1993). Representatives of local people were consulted during preparation. The Working Plan encouraged local right holders to create Forest Protection Committees, using money from the 60% sale proceed they received in the protected forests. Before marking, the concerned Divisional Forest Officer (DFO) was to make an agreement with the 'rightholders' to cooperate in regeneration (otherwise the Department would stop marking), with the Forest Department retaining 10% royalty until all regeneration was done. However, due to the timber harvesting ban introduced in 1993 (see below), no testing of these ideas was possible. For some time, so-called people's checkpoints appeared in upper Swat to control illegal timber transport. Some observers attribute these checkpoints to the initiative of KIDP (Suleri 2002: 11).

KIDP's main efforts in forestry, though, concentrated on the design of an alternative timber harvesting system to replace the contractor system operated by FDC. The new system was to be more productive in terms of timber output (less wastage), create less damage to the surrounding forests, and should contribute to job creation and poverty alleviation locally. Through a process of intensive experimentation, a *Petty Contract System* was developed. The core of the new system were to be Trained Forest Workers from the local area, equipped with adequate tools, and able to harvest trees in an economically and ecologically sound manner. These workers would be employed by FDC as 'petty' contractors. The system gradually emerged, to work full swing in Kalam in the early 1990s (Geiser, 2000). However, due to the timber harvesting ban introduced in 1993, the system was stopped.

**Kaghan Intensive Forest Management Project:** This project was started in 1980 with support from the German GTZ. It is understood that this project fostered intensive forest management through state agencies. This changed in 1992 with the coming into being of the **Siran Forest Development Project** (from 1997: Siran-Kaghan Forest Development Project). Emphasis was given on experimenting with Joint Forest Management (JFM), embedded in a broader and integrated land use planning process (called LUMP: Land Use Management Planning). Two Joint Forest Management Committees (JFMCs) were started as pilot projects in 1994: one in reserved forests (*Methal* village, Jabori Forest Range, Siran Forest Division), and one in protected forests (*Fatehbandi* village, Shergarh Forest Range, Agror Tanawal Forest Division). At village level, a participatory planning process was started, JFM committees initiated, forest conditions surveyed, and confidence building measures initiated

outside the forest sector.<sup>6</sup> To obtain legal cover, legal amendments were necessary. Thus, the Hazara Protected Forests (Community Participation) Rules 1996, and the Hazara Reserved Forests (Community Participation) Rules 1997 were notified. This made it possible to sign agreements with the JFM committees on June 12, 1996 in Fatehbandi, and on April 19, 1998 in Methal (Khattak A.K., 2001: 12). Reports indicate that indeed, the two pilot JFMCs did generate positive effects for people and forests.<sup>7</sup> In addition, though, severe problems surfaced, including resistance by the department's staff, and continued illegal harvesting:

“(...) groups intruding from outside the JFM areas are usually doing so under the protection of heavily armed gangs. The unarmed patrols of FD and JFMC have been frequently threatened by these gangs and shots were fired on a number of occasions. While at times FD staff was able to arrest culprits with the assistance of JFMC patrols, more often they are helpless and can only resort to produce damage reports (...)” (Payr and Wild, 1999: 66).

However, SFDP was closed by GTZ in mid 2000 because “the Government was not willing to make the required governance and institutional changes which were required to achieve real participation of local communities at grassroots level” (Suleri, 2002: 12). Regarding JFMCs, Khattak A.K. (2001: 12) states for early 2001: “Presently both the JFMCs are inoperative. The Fatehbandi JFMC was suspended by the DFO Agror Tanawal vide his order dated 23.6.2000 on account of alleged illicit timber cutting and the Methal JFMC lost support of the FD after closure of the SFDP on 30.6.2000”.

**Malakand and Dir Social Forestry Projects:** The Dutch-supported Malakand Social Forestry Project started in 1987 covering the Malakand Agency, and was extended to Dir in 1992, operating until 1999. Its emphasis was on the reforestation of denuded hillsides and marginal farmlands. It thus focused primarily on private and communal property, including *shamilats* (communal property). A key part of the project was the *Village Land Use Planning* process (VLUP), involving a step-by-step approach for preparing an action plan together with community-based organisations (CBOs; van den Hoek and Werter, 1993). According to one source, such VLUP started in 67 villages (Khattak A.K., 2001: 13).

### 3.5 Guzara Forests

On its own, the NWFP Forest Department experimented with *guzara forests*. During forest settlements in Hazara in the context of the above-mentioned Hazara Forest Regulation 1873, certain tracts of ‘unreserved forests’ were demarcated as village or *guzara* forests, to provide for the requirements of local landowners. Initially, these forests were controlled by political authorities. In 1950, control of *guzara* forests in Hazara came under the Forest Department. However, it is reported that this arrangement did not work (Khattak A.K., 2001: 6). In 1980/81, a pilot project was launched “to test feasibility of transferring management of *guzara* forests to the owners who organized themselves in the form of cooperative societies” (Khattak A.K., 2001: 6). Related Rules were formed “empowering the CF Abbottabad to hand over management of the *guzara* forests to the forest owners” (Khattak A.K., 2001: 6). In a few trials, special management plans were made, approved by the provincial government,

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<sup>6</sup> The project also included a food-for-work component through the World Food Programme (WFP).

<sup>7</sup> See also chapter 4 in this volume.

and lease agreements signed for the period of the plan. Decisions were then taken by the Management Committees of the new Forest Cooperative Societies (FCS). “For meeting forest management expenses, the FCS were bound to deduct 40% of gross income from sale of forest produce and credit it to a special fund called Forest Management Fund” (Khattak A.K., 2001: 6). Thus, by 1981, 18 FCSs were registered, and their number increased to 33 in 1990, covering almost all the guzara forests (Khattak A.K., 2001: 7).

However, the experiment “did not meet with success [and exploitation] assumed devastating dimensions” (Khattak A.K., 2001: 7). As we will see further below, these cooperatives were terminated in 1993.

### **3.6 The 1992 floods, the timber harvesting ban, and calls for reforms**

In September 1992, enormous rains poured over North-western Pakistan, triggering a flood that caused havoc along the entire Indus region. More than 1,000 people died after the authorities decided to open the sluices of dams fearing their breaching. A lot of blame came to the NWFP Forest Department and the Forest Cooperative Societies established in guzara forests for not having prevented the overexploitation of mountain forests. In October 1993, the federal government<sup>8</sup> declared a complete ban on commercial exploitation of forests for two years, the abolishment of all the 33 FCSs, and the need to introduce social forestry and other reform measures including to stop political interference. This meant for the NWFP that harvesting through the Forest Development Corporation (FDC) was stopped. The ban was initially to last until 1995, but was extended later. In 2002, the ban was lifted on a trial basis for one year, but was put in force again the year after. It is still in force when writing this article.

The initial years of the ban (and the few years before) have seen an array of donor-led initiatives to propose measures for reforming the forest sector in the NWFP (as called for as well by the federal government through the ban). All of these proposals advocated for more participatory forms of forest governance and a forest management beyond a focus on timber, to increasingly include local livelihood needs and poverty concerns. Donors, though, envisaged different avenues for this – differences that emerged from the respective donors’ experiences and interests. Based on their work in Kaghan and Siran, the Germans (GTZ) proposed the formation of an independent Forest Commission *outside* the Forest Department to initiate, promote and supervise a forest sector reform. The Commission was to be supported by a *Forestry Round Table* with representatives from state organizations as well as forest users, owners, and civil society. GTZ also initiated the Provincial Forest Resource Inventory (PFRI) which led to the publication of drastic figures on deforestation (see chapter 1 in this volume). The Dutch favoured a reform process that would institutionalise their ‘VLUP’-procedures, while the Swiss advocated for a reform to incorporate elements such as the Petty Contract System, and especially joint forest management. These diverse interests in supporting an overall reform process at provincial level coincided with the fading off of many

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<sup>8</sup> For a short period of time in 1993, there was an interim government headed by Moeen Qureshi, a former World Bank director. The timber harvesting ban was declared during this interim government.

bilateral and area-based initiatives: KIDP ended in 1998, MDSFP in 1999, SFDP in 2000 (Table 1). Many of these initiatives aspired for ‘scaling-up’.

And last but not least, the need for more reforms was also voiced by the 25-year *Forest Sector Master Plan* of 1992, prepared by the federal government of Pakistan with the assistance of ADB, UNDP and other donors. The plan proposed the doubling of tree cover in area terms, and quadrupling wood production by 2018. The Asian Development Bank (ADB) took the lead for this initiative.

### **3.7 The forest sector reform process (1996-2003)**

The key support for forest governance reforms at the provincial level came from the Asian Development Bank (ADB). In November 1995, ADB approved a loan agreement with the NWFP Government, stating that “Pakistan’s forestry resources will be protected and conserved under [this] \$ 42.6 million loan” (ADB, 1995). The Government of Pakistan signed in January 1996, and the loan became effective on March 11, 1996. The loan was to close by end of 2002, but was extended to December 31, 2003. The Technical Assistance contract was signed with DHV-Consultants BV from the Netherlands in January 1997, and ended in April 2003. This *Forest Sector Project (FSP)* had a profound impact on the entire forestry sector of the province, and therefore calls for a close analysis.

#### **The reform process**

With the strong involvement of the Dutch, FSP’s intention was to scale up the experiences made in the Dutch-supported Social Forestry Project Malakand-Dir (SFPMD). Therefore, emphasis was to be given on the improvement of ‘degraded’ forests and range lands outside designated forests – mainly following the participatory method of VLUP (described in section 3.4), and the formation of community groups. Initially, FSP was to cover parts of NWFP only. This initial scope, though, was widened on the instigation of other donors. Thus, the ADB added – after the first project PC-1<sup>9</sup> has been signed – so-called ‘Covenants’, demanding the Forest Department (i) to formulate recommendations on *overall institutional reforms*, (ii) to come up with a time plan for these reforms, and (iii) to initiate a reform of the *entire legal framework* for forestry in the province. However, not being part of the formal PC-1, these covenants were not followed. To re-iterate their importance, the Dutch Embassy decided to establish and finance (together with the SDC, the Swiss Agency for Development and Cooperation) an Institutional Transformation Cell *within* the Forest Department to steer the reform process. This Cell, though, was not what the Germans had proposed, i.e. to steer the reform from outside the Forest Department.<sup>10</sup>

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<sup>9</sup> PC-1: Planning Commission-1; one of several important documents being part of the established planning procedures in Pakistan.

<sup>10</sup> Various donors formed their own *Forestry Donor Co-ordination Group* and they offered to support the Task Force with this donor-assisted and staffed *Institutional Transformation Cell (ITC)*. This cell was to assist the Forest Department “with legal reforms and with the promotion of the involvement of civil society in the institutional reform process” (Krijnen, 2003). In addition, it was supposed to initiate the technical works, i.e. preparations of draft papers on various aspects of the forest sector reform, that were then to be presented to the Task Force for comments and changes.

Different readings of the FSP objectives continued. Krijnen (2003) reports that the Pakistan Project Director in charge emphasised FSP as mainly being an investment programme, while the expatriate leader of the Technical Assistance component stressed on institutional reform. To discuss these and other issues, so-called ‘Thematic Working Groups’ were introduced in late 1998. Difficulties, though, continued. The ADB complained about “low levels of loan utilization”, and the other involved donors were concerned with the low progress in institutional reforms. As a consequence, the ADB Mid-Term Review in 2000 established tough deadlines for reform targets to releasing funds.

In short, the FSP is an example of well-intended development ideas and reform visions that get confused and ‘pragmatic’ in the course of actual implementation. To recall, one section of donors favoured an independent steering of the reform, being skeptical of FD’s willingness. This process should have been broad-based, first agreeing on the general principles (to be formalised in a new Forest Policy), to subsequently being more detailed through a new Forest Act (to replace the 1927 Act) and institutional adjustments. However, in actual practice, the power to define reform remained within the department (e.g. through the Institutional Transformation Cell), and donor time schedules closed windows for further learning processes.

### **Legal outcomes**

Intentions and reality did not match. The writing of a new Forest Policy and a new Forest Act remained in the hands of donors and the Forest Department, without influence by an independent Forest Commission or Forestry Round Tables. A NWFP *Forestry Commission Act* was passed in 1999 indeed,<sup>11</sup> calling for the creation of a three member Forest Commission. The members, appointed by the Chief Minister, were supposed to report to him and to the Provincial assembly. However, it is understood that the commission is not yet in place (as per 2010). The *Forestry Round Table* was proposed as part of the 1999 Forestry Commission Act, to comprise representatives of the major stakeholders in the sector. It is understood that some round tables took place, however not representing the required stakeholders.

In spite of the lack of the participatory reform mechanisms, a new *Forest Policy* was approved in August 1999 by the NWFP Chief Minister. A new *Forest Act* was drafted as well and sent to the Law Department in October 1999. In order to meet ADB’s loan covenants, the Government of NWFP was in a hurry to promulgate the ordinance before September 2001, when the ADB review mission of the FSP was due. However, NGOs including SAFI (see chapter 8 in this volume) had serious reservations and met the ADB mission. Thus, the need

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The ITC started work in 1998. In 1999, different thematic working groups were formed under the guidance of a team-leader. All members, though, belonged to the Forest Department only. Initially it was foreseen that the ITC should report to a task force of the Forestry Steering Committee. Yet this Task Force never came into being and thus was replaced by a Support Group to the Forestry Steering Committee, consisting of FD officials only (Secretary of Forest, CCF, CFs and others). Finally, ITC only reported to the Secretary of Forest who acted as the chairman of the Forestry Steering Committee.

<sup>11</sup> North-West Frontier Province Forestry Commission Act, 1999 (N.W.F.P. Act No. XV of 1999).

for further consultation was voiced (Suleri, 2002: 11). But by June 2002, the *North-West Frontier Province Forest, Ordinance, 2002* was published in the government gazette.

### **NWFP Forest Ordinance 2002**

A brief glance at this ordinance is due, as it replaces all the former acts including the 1927 one, and the separate Hazara regulation. In continuation of the 1927 Act, it also details the procedures for the demarcation of reserved and protected forests. Para (1)(c) states that the government has to “appoint a Forest Settlement Board [...] to enquire into and determine the existence, nature and extent of any rights, alleged to exist in favour of any person in or over any land comprised within such limits or forest produce therefrom, and to deal with the same [...].” Para (2) specifies that this Board is to consist of “(i) a Revenue Officer not below the rank of a Collector; Chairman (ii) the Divisional Forest Officer concerned; and (iii) two representatives of the community based organisation or village based organization. (4) The representatives of the community shall be selected by the concerned community.” Para (6) then repeats in almost the same wording the respective statements of the 1927 Act, i.e. the need to inform in vernacular language, the period of three months, etc. What is new, however, as compared to the 1927 Act is the extended reference to participation. Para (3) outlines the Ordinance’s guiding principles and mentions, among others:

“(1) (c) involvement of local communities and interested parties in the formulation and implementation of forest policies and forest management plans; [...]

(2) (d) direct, strong and effective participation of local communities in the sustainable development and management of forests shall be secured and their concessions, rights, duties and obligations shall be clearly defined;

(e) the role of government regarding sustainable development of forests shall, as far as possible, be confined to preparing management plans, setting out objectives and criteria, monitoring progress, promoting research and education, and providing advisory services, while interested parties shall be encouraged to undertake leading role in developmental activities where the forests are owned by the people or where the people are the major right holders [...]”

Para 101 and following then further specify these intentions.

“101. Community forest.---(1) The Divisional Forest Officer may assign to any village forest community, village organization, Joint Forest Management Committee constituted in the prescribed manner all or any of its rights of management over any protected forest, guzara forests, and protected wasteland, and may cancel such assignment, or such agreement, as the case may be, if he is of the opinion that such revocation is in the interest of forest conservancy. All forests so assigned shall be called community forest. [...]

(4) No assignment under sub-section (1) shall be cancelled or modified by Forest Officer unless the Village Forest Committee, or Joint Forest Management Committee concerned has been given an opportunity of being heard. In case there is a disagreement, the Forest Officer shall record his reasons for cancellation.

102. Joint forest management.---(1) Subject to the provisions of sections 98 and 99, the Forest Officer may, where he considers appropriate, manage protected forests, reserved forest, guzara forest, wastelands, mazri-growing tracts and other forests which have been placed under the management of a Divisional Forest Officer, with the help and participation of community-based organizations, village-based organizations, village development committees or any group of persons representing such organisations, constituted in a prescribed manner, in accordance with such procedure, and on such terms and conditions, as may be deemed fit.

(2) For purposes of sub-section (1), the Forest Officer may enter into agreements for joint management of the forests mentioned therein, which may provide, among other matters, for establishment of Joint

Forest Management Committees comprising representatives of the concerned organisations and staff of the Forest Department.

(3) Forest Officer may revoke any such management or agreement, as the case may be, if he is of the opinion that such revocation is in the interest of forest conservancy.

(4) No revocation shall be ordered under sub-section (3), unless the concerned organisation is given an opportunity of being heard, and in case of disagreement the Forest Officer shall record his reasons for revocation.”

Thus, in principle, a more participatory form of forest governance, and a forest use that also caters for local livelihood needs is possible, *de jure*. We will come back to the rather different *de facto* situation in the last section.

### ***Organisational outcomes***

At the organisational level, the NWFP Forest Department was to be completely re-designed, in principle. The ‘new’ department should be capable of institutionalizing participatory forestry, making social organization and capacity building of local communities’ organizations part of the Department’s mandate (Heering, 2002). Forests were not to be considered any more only as producing timber for commercial purpose. Other forest functions were to be taken into account too, especially the satisfaction of peoples’ basic needs. The concept of *Integrated Natural Resource Management Plans* was to become a reality, taking care not only of designated forests, but of whole watersheds within which forests are located. These plans were to replace the Working Plan procedure established during colonial time.<sup>12</sup>

As a consequence, the Forest Department was re-organised along a ‘matrix structure’, i.e. Area Managers and Specialised Units. The *Area Managers* represent the new territorial organisation of the Department, replacing the former arrangements with Forest Ranges etc. These territorial Area Managers are supported by four specialized Directorates, i.e. *Planning, Monitoring and Evaluation (P&M)*; *Institutional and Human Resource Management (HRM)*; *Research and Development (R&D)* and *Community Development, Extension and Gender Development (CDEGD)* (Gilmour et al. 2008: 9). Area Managers and Specialist staff are supposed to collaborate together in teams. This structure should allow a devolution of power within the Department,<sup>13</sup> and should enable the Department to build teams at field level in order to work with communities in an integrative manner.

The FSP reports that the new matrix structure of the Forest Department has been adopted and put in place. Roles, functions and major activities for the different elements of the structure have been discussed, defined and approved. According to Krijnen (2003: para 40), 178 persons were required to staff the new structure and that staffing has not been completed (we will come back to these statements as well in our final discussion).

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<sup>12</sup> At local level, the preparation of plans in so-called ‘Resource Management Sub-Units’ was to be done, which formed part of wider ‘Integrated Resource Management Plans’ at watershed level (Krijnen, 2003). It is understood that the ideas of these resource management units emerged from the GTZ-supported Siran project.

<sup>13</sup> This follows the principle of subsidiarity (decisions should be taken on the lowest level possible). Each representative of the territorial unit should get some kind of ‘counterpart’ on the same level in every directorate in order to strengthen the horizontal links within the department and thus make the whole structure less hierarchical.

### *Operational outcomes*

As mentioned above, the colonial Working Plan procedure, more geared towards a policing of forests, was to be replaced by more participatory tools. Thus, the FSP took over the ‘Village Land Use Planning’ (VLUP) procedure as developed by the Dutch-supported MDSFP:

VLUP “starts from application of numerous participatory rural appraisal techniques to collect data for the proceedings of management plan. FSP objectives, approach, and procedures are explained to the community members by FSP and forest staff in large gatherings. (...) VLUP process involves negotiation between stakeholder groups. Data are collected from the community members through a series of interviews. Different issues, such as existing vegetation cover and land-use practices, problems and their solutions, and proposed activities, are discussed in series of group discussions. Once the community members get familiar with the concept of VDC and NRM activities, they form a representative VDC and women’s organization (WO). Rules and regulations are framed by VDC/WO to run their office smoothly. A management plan with the technical assistance of FSP and FD staff is prepared and presented by VDC/WO members to the community members for approval. A formal agreement (for a duration of five years) is signed between VDC/WO and FD, and implementation starts. However, after VDC/WO formation, and before signing of a formal agreement/approval of VLUP, the FSP interventions are started whereby nurseries are raised for farm forestry, afforestation is done, and important NRM training are imparted” (Suleri 2002: 14).

However, and parallel to the FSP, a separate project was launched by the Swiss SDC and the Forest Department to improve participatory forestry activities within designated forests. The existing Pre-Investment Centre of the FD was now to become a *Forest Management Centre* (FMC), with the main tasks for forest mapping using GIS,<sup>14</sup> establishment of Working Plans, and the fostering of joint forest management (JFM) procedures. The project started in 1994, ending in December 2003. The project developed its own local level planning process, incorporating JFM within a broader ‘Village Planning’ or ‘Village Development Planning’ (VDP) process. The proposed procedure (Intercooperation, 2003) consists of a series of planning events at local level,<sup>15</sup> finally leading to the sanctioning of a village development plan, and the creation of village development committees (VDCs). Activities started on an experimental basis in three different areas covering different types of forests: (i) Reserved and Protected forests in Hazara (here, the areas earlier covered by the ex-Siran GTZ Project were selected; see section 3.4), (ii) Protected forests in Swat valley, and (iii) Mazri/Scrub forests in Kohat/Hangu Districts.

In due course, though, it was realized that closer coordination with the ADB-supported FSP was required. This was mainly true regarding the planning processes at local level which were duplicating each other (the FSP applying VLUP, the Forest Management Centre applying its version of VDP/JFM). As a result, the FMC itself was to become the Directorate of Planning & Monitoring (P & M) foreseen in the Forest Department’s new matrix structure. By around 2001, the foreign advisers of FMC and FSP came to the conclusion that the two local-level planning approaches should be merged. It was foreseen that in a selected village, both a

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<sup>14</sup> GIS: Geographic Information Systems.

<sup>15</sup> At village level, the elaboration of the plans followed the principle of an integrated resource management model. The process is divided in several steps. The ‘livelihood system’ is used as an entry point. Data are collected to analyse the livelihood strategies of the people and interventions are defined by the people themselves, on the basis of their potential and needs, with the aim to improve their living conditions, with a special focus on sustainable management of natural resources. The territory of the village is divided in management units and for each unit specific interventions are identified. The designated forests may constitute one of this unit.

VLUP Committee and a JFM Committee should be established, while the process of information of villagers and data collection has to be done jointly. However, the idea of a joint approach led to many misunderstandings both within the FMC and the FSP and was a matter of long and emotional discussions until 2003 – when both projects (FSP and FMC) ended.

### **3.7 State forest administration today – and its challenges**

In the previous sections of this chapter, we recalled the colonial antecedents of forest administration in today's KP province, and we showed the array of interventions to 'reform' these colonial antecedents. We also need to mention that with the 18<sup>th</sup> amendment to the constitution of Pakistan in 2010, forestry has been devolved to the provinces. How far this move will change forest management practices on the ground still needs to be seen.

How does the forest administration by the Government of KP look today? We venture to argue that at the *actual and de facto level* it still continues as in the 1980s, and with this as during colonial periods – and that at the policy level, talks on reform needs continue often without taking into account any of the past experiences. In the following, we substantiate this statement.

#### ***Forest tenure***

The NWFP Forest Ordinance of 2002 details the duties and obligations of those involved in forestry, with emphasis on the provincial Forest Department. The most crucial intention of laws is to provide legitimacy to the acting of state agencies vis-à-vis the citizens. A core dimension in the field of forestry is the clarification of ownership rights and tenure arrangements. Based on this clarification, and once accepted by the involved stakeholders, it provides the context for operational dimensions of forest management. This clarity of tenure is missing in KP. We understand that forest settlements took place in most localities in the Hazara region in 1873 and 1901. These settlements are recorded in the land revenue records (*shart Wajib ul-Arz*). However, we also understand that these records were rarely updated (Nasir, 2006: 154). In the Malakand Division, where most forests of the province are found, no settlement took place so far (see details in chapter 7 of this volume). It is also interesting to note that these crucial issues of forest tenure and ownership received almost no attention in the donor-driven reform process. As a matter of fact, Nasir (2006: 154) states:

“The issue of land tenure arrangements and ownership rights has not been addressed in any of the policy statements or reform processes of the past 20 years. The basis of all rights to forest resources remains the settlement reports prepared by the United Kingdom colonial government in the last quarter of the nineteenth century. All forest management plans are based on these.”

One could even go as far as arguing that the activities of the FD do not have legal coverage indeed.

#### ***Forest governance***

Besides ownership claims, forestry laws also specify the respective roles, obligations, duties and rights different stakeholders have in the governance of forests. In this regard, the NWFP

Forest Ordinance 2002 goes far beyond previous laws. It indeed gives legal coverage to the active involvement of communities, and specifies procedures to do so. These include a Forestry Commission, Round Tables, and joint forest management committees (JFMCs). With this, the Ordinance is a crucial step from a more top-down *forest government* to a more inclusive *forest governance*. However, this intention is not translated into practice. The Forest Commission for example, and the Forestry Round Tables, do not exist, or did not play the role they should have played. JFMCs are dormant or non-existent, as we detail next.

### ***Joint forest management***

Nasir (2006: 169) lists 78 joint forest management committees to be in existence in the province.<sup>16</sup> However, these exist in principle only; they "...will become active when the 1993 ban on commercial harvesting of forests is lifted. An experiment with JFMCs has been initiated in two villages in Hazara Forest Circle: Methal, in Panjul Reserve Forest, Siran forest division; and Fateh Bandi, in Doga protected forest, Agror Tanawal forest division. Villagers are already cooperating with the JFMCs, but the litmus test of the system will be when the JFMCs can take up commercial harvesting" (the two active ones we mentioned further above under the Kaghan-Siran project; see also Shahbaz in this volume).<sup>17</sup>

### ***Timber supply***

Since 1993, the ban on timber harvesting is in force, thus prohibiting Forest Department, Forest Development Corporation and JFMCs to harvest green trees (only 'wind-fallen' ones can be harvested). The people of Pakistan, though, need timber, and their demands are met through 'informal means'. Deforestation continues, as it did over all the last decades.

### ***The 'machinery'***

The dispatch from London of 1864 mentioned further above stated that:

"Organisation to be of real and permanent value must not be essentially, or even mainly, dependent on extraordinary personal acquirements or activity; the machinery should be such as will work with average men under the direction of the best of their class. [...] as little as possible should be left open to the local executive authorities in this respect."

Indeed, our experience indicates that the NWFP Forest Department had 'extraordinary' personnel who tried to translate intentions of forest governance into practice. Many of them left, though, to work with donors. However, internal structures (such as the Annual Confidential Report) and external interventions (e.g. political interferences) made the 'machinery' to continue its top-down forest administration. In actual reality, the forest sector

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<sup>16</sup> Kaghan Forest Division: 9; Hazara Tribal Forest Division: 49 [these are committees in Guzara forests; authors]; Siran Forest Division: 4; Upper Dir: 3; Alpuri: 7; Dir Kohistan Sheringal: 2; Swat: 2; Chitral: 2 (Nasir, 2006: Annex 5; main table).

<sup>17</sup> It was only the Swiss SDC-supported 'Integrated Natural Resource Management Project' (INRMP, implemented through Intercooperation), launched in 2006, that continued "to play a facilitating role in institutionalising the reforms in the field and building the capacity of staff to implement their reformed agenda" (Gilmour et al., 2008:10). Among others, the project continued to refine procedures for VDCs, VDP and JFM in around ten pilot villages in the districts of Haripur, Hangu and Lower Dir. However, the project closed in 2011.

reform process has not been translated into practice in the NWFP. As illustrated by Steimann in chapter 5 and Shahbaz in chapter 4, forest management at the local level continues ‘as usual’. In addition, those staff members who got some exposure to the reform ideas gradually get retired. As a matter of fact, no new staff was recruited since 1989 (Gilmour et al., 2008:12).

“In the perceptions of the Forest Department staff responsible to implement these structural reforms, the new policy frame of action was far too wide to fit into their implementation capacities. Though new policies and management strategies have been phrased out and new administrative structures created, field level operations continued along the traditional lines up to the present day” (IC 2010: 14).

Another indication for the resistance of the Forest Department to change is that it is the only department that resisted – successfully – being decentralised (chapter 5).

### ***Deforestation***

Of course, one could argue that the emphasis given, in our writing, on forest governance (and not forest policing) is wishful thinking. However, our strongest argument is the actual reality of forests in the KP. As the figures given in chapter 1 indicate, the strict organisation of the Forest Department was not able to prevent this – and we agree with Nasir (2006: 155) that

“[one] of the main reasons for the failure of interventions in the forestry sector at the community level is the lack of cooperation from local communities, most of which are against the State functionaries of forest departments. This conflict is the result of forest departments’ lack of sensitivity to the customary laws that communities have been practising [...]”

The gap between reality and debates faced in forestry, however, do not prevent high-level officials to propose huge ideas – in June 2009, the Federal Minister of Environment stated that the Ministry of Environment “in consultation with Provincial Forest Department and other stakeholders has planned to set a new Guinness World Record by planting maximum number of trees in one day.”<sup>18</sup>

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<sup>18</sup> Balochistan Times April 14, 2009 (internet edition)

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